

THIRTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, February 10, 2005

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 9, 2005

SB 5023 Prime Sponsor, Jacobsen: Requiring headlights when wipers are used. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5023 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Oke and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Mulliken

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5029 Prime Sponsor, Jacobsen: Requiring safe drinking water in schools. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Morton, Pridemore and Regala

Passed to Committee on Ways & Means.

February 8, 2005

SB 5089 Prime Sponsor, Sheldon: Limiting nuisance noise from off-road vehicles. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5098 Prime Sponsor, Poulsen: Regulating the energy efficiency of certain products. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5101 Prime Sponsor, Poulsen: Providing incentives to support renewable energy. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5101 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 9, 2005

SB 5178 Prime Sponsor, Kastama: Issuing a moratorium on licensing specialty hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5181 Prime Sponsor, Rasmussen: Ensuring proper ownership to vehicle parts used in reconstruction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken and Oke

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5203 Prime Sponsor, Parlette: Authorizing a pilot water policy project in the Methow river basin. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

February 9, 2005

SB 5267 Prime Sponsor, Haugen: Clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5280 Prime Sponsor, Weinstein: Requiring motorcycle safety courses to be approved by the director of licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5290 Prime Sponsor, Delvin: Including goats in theft of livestock in the first degree. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5321 Prime Sponsor, Haugen: Regulating disclosure of addresses of vehicle owners. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5325 Prime Sponsor, Zarelli: Promoting economic development and community revitalization. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Zarelli

Passed to Committee on Ways & Means.

February 8, 2005

SB 5329 Prime Sponsor, Pflug: Establishing an industry cluster-based approach to economic development. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Zarelli

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5330 Prime Sponsor, Shin: Creating the economic development grants program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Zarelli

Passed to Committee on Ways & Means.

February 8, 2005

SB 5348 Prime Sponsor, Pridemore: Authorizing certain PUDs to operate an electrical appliance repair service. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5355 Prime Sponsor, Doumit: Modifying provisions for salmon and steelhead recovery in the lower Columbia region. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5356 Prime Sponsor, Brown: Modifying the alignment of state route number 290. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5390 Prime Sponsor, Keiser: Concerning improving the quality of care in state-purchased health care programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5390 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Johnson, Kline and Parlette

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5436 Prime Sponsor, Haugen: Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5448 Prime Sponsor, Poulsen: Providing grants to provide information regarding grizzly bears in the north Cascades. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Oke and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Ways & Means.

February 9, 2005

SB 5463 Prime Sponsor, Doumit: Allowing small appurtenances on recreational vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5463 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5488 Prime Sponsor, Rasmussen: Concerning the fruit and vegetable district fund. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5570 Prime Sponsor, Haugen: Discontinuing the nursing facility bed tax. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Parlette, Poulsen

Passed to Committee on Ways & Means.

February 8, 2005

SB 5597 Prime Sponsor, Rasmussen: Funding farmers market nutrition programs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 8, 2005

SB 5723 Prime Sponsor, Delvin: Extending an asparagus exception to the standards for fruits and vegetables. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5758 Prime Sponsor, Thibaudeau: Increasing the personal needs allowance for nursing facility residents. Reported by Committee on Health & Long-Term Care

Passed to Committee on Ways & Means.

February 9, 2005

SB 5762 Prime Sponsor, Thibaudeau: Adjusting the medicaid reimbursement system. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Brandland, Franklin, Kastama, Parlette, Poulsen

Passed to Committee on Ways & Means.

February 8, 2005

SJM 8010 Prime Sponsor, Rasmussen: Petitioning the United States Department of Agriculture to delay plans to reopen the border to Canadian cattle and beef products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 8010 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 7, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Agriculture report, Spartina Eradication Program 2004 Progress Report.
If you have any questions about the report, please call Leslie Emerick at 360-902-1850.

Sincerely,
Leslie Emerick, Legislative Affairs Coordinator

The Department of Agriculture report, Spartina Eradication Program 2004 Progress Report is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5851 by Senators Mulliken, Swecker, Schmidt and Oke

AN ACT Relating to ensuring health care provider and insurer right of conscience; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5852 by Senators Swecker, Mulliken, Schmidt, Stevens, Oke and Benton

AN ACT Relating to prohibiting public funding of abortion; adding a new section to chapter 9.02 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5853 by Senators McAuliffe, Schmidt and Kohl-Welles

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5854 by Senators McAuliffe, Schmidt, Kohl-Welles and Shin

AN ACT Relating to educational equity; and adding new sections to chapter 28A.150 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5855 by Senators McAuliffe, Schmidt, Kohl-Welles and Shin

AN ACT Relating to providing voting rights on the state board of education to the superintendent of public instruction; and amending RCW 28A.305.100.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5856 by Senators Brandland and Haugen

AN ACT Relating to the failure to wear safety belt assembly; and amending RCW 46.61.688.

Referred to Committee on Transportation.

SB 5857 by Senators Prentice and Kohl-Welles

AN ACT Relating to the business and occupation taxation of nonprofit community health centers; amending RCW 82.04.4311; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5858 by Senator Haugen

AN ACT Relating to the director of the department of fish and wildlife; and amending RCW 43.17.020 and 77.04.013.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5859 by Senators Haugen and Rasmussen

AN ACT Relating to department of transportation farmland preservation efforts concerning certain transportation projects; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 5860 by Senators Haugen, Swecker and Kohl-Welles

AN ACT Relating to vehicle licensing fees; amending RCW 46.01.140, 46.16.085, 46.16.135, 46.68.030, and 46.68.035; reenacting and amending RCW 46.16.0621 and 46.16.070; creating a new section; and repealing RCW 46.16.071.

Referred to Committee on Transportation.

SB 5861 by Senators Keiser, Thibaudeau, Prentice, Franklin, Kline, Kohl-Welles and McAuliffe

AN ACT Relating to stabilizing the health insurance market; amending RCW 48.41.200; reenacting and amending RCW 43.79A.040; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 48 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5862 by Senators Pflug, Eide, Shin and Rasmussen; by request of Lieutenant Governor

AN ACT Relating to creating the association of Washington generals; amending RCW 43.04.040 and 43.04.100; and adding a new section to chapter 43.31 RCW.

Referred to Committee on International Trade & Economic Development.

SB 5863 by Senators Prentice, Zarelli and Shin

AN ACT Relating to improving consistency among tax incentives enacted during the 2003-2005 biennium; amending RCW 82.63.010, 82.63.020, 82.63.045, 82.60.020, 82.60.049, 82.60.060, 82.60.065, 82.60.070, 82.60.100, 82.04.4483, 82.04.4484, 82.32.535, 82.32.545, 82.32.560, and 82.32.570; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.60 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5864 by Senators Prentice, Schmidt, Esser, Shin, Berkey, Zarelli and Rasmussen

AN ACT Relating to providing excise tax relief for nonmanufacturing aerospace businesses; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5865 by Senators Franklin, Delvin, Roach, Kohl-Welles, Keiser and Rasmussen

AN ACT Relating to the occupational safety and health of fire department employees; and adding a new chapter to Title 49 RCW.

Referred to Committee on Government Operations & Elections.

SB 5866 by Senators Delvin, Pridemore, Rockefeller, Schmidt, Kohl-Welles, Benson, Carrell, Shin, Brandland, Schoesler and Rasmussen

AN ACT Relating to retirement allowances under the public employees' and teachers' retirement systems; amending RCW 41.40.191 and 41.32.4986; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5867 by Senators Schmidt, McAuliffe, Finkbeiner, Esser, Mulliken, Berkey, Shin, Kohl-Welles, Delvin and Rasmussen

AN ACT Relating to authorizing baccalaureate degrees at selected community and technical colleges on a limited and pilot basis; amending RCW 28B.15.069, 28B.50.020, and 28B.50.140; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5868 by Senators Schmidt, McAuliffe, Berkey, Mulliken, Weinstein, Schoesler, Delvin and Rasmussen

AN ACT Relating to implementing a strategic direction for higher education by the year 2012; amending RCW 28B.10.784, 28B.15.067, 28B.92.010, 28B.92.020, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.50.030, 28B.50.140, 28B.15.069, 28B.50.090, and 28B.76.290; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new chapter to Title 28B RCW; creating a new section; and repealing RCW 28B.10.776, 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.786, 28B.45.060, 28B.45.080, and 28B.76.270.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5869 by Senators Swecker, Jacobsen, Oke, Spanel, Hargrove, Morton, Doumit, Stevens and Rasmussen

AN ACT Relating to fish planting; amending RCW 77.18.060; and repealing RCW 77.18.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5870 by Senators Jacobsen, Kline, Kohl-Welles and Mulliken

AN ACT Relating to admission standards for public four-year institutions of higher education; amending RCW 28B.76.290; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5871 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5872 by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt

AN ACT Relating to creating a department of family and children's services; amending RCW 43.17.020; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5873 by Senators Stevens, Hargrove, Regala, Carrell, Mulliken, Schmidt, Zarelli, Deccio, Benson, McCaslin, Delvin, Brandland, Johnson, Hewitt, Kohl-Welles and Pflug

AN ACT Relating to duties of the family and children's ombudsman; and amending RCW 43.06A.030.

Referred to Committee on Human Services & Corrections.

SB 5874 by Senators Kohl-Welles, Schmidt, Pridemore, Mulliken, McAuliffe, Berkey, Carrell, Shin, Rockefeller and Delvin

AN ACT Relating to higher education; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5875 by Senator Hargrove

AN ACT Relating to interests of parents and alleged fathers under the juvenile court act; amending RCW 13.34.030; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5876 by Senators Honeyford, Rockefeller, Esser, Carrell, Johnson, McCaslin and Hargrove

AN ACT Relating to the judicial conduct commission; and amending RCW 2.64.030, 2.64.060, 2.64.111, 2.64.115, and 2.64.120.

Referred to Committee on Judiciary.

SB 5877 by Senators Prentice, Oke, Haugen, Stevens, Franklin, Benson, Pridemore, Brandland, Rockefeller, Doumit, Weinstein, Kohl-Welles, Sheldon, Rasmussen, Thibaudeau, Jacobsen, Keiser, Mulliken, Pflug and McAuliffe

AN ACT Relating to employment and retirement rights of members of the armed forces called to active duty; amending RCW 41.40.170; reenacting and amending RCW 41.04.005; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5878 by Senators Prentice, Oke, Haugen, Benson, Franklin, Shin, Pridemore, Rockefeller, Hargrove, Fraser, Stevens, Kline, Rasmussen, Mulliken and McAuliffe

AN ACT Relating to reaffirming and clarifying the prohibition against internet gambling; amending RCW 9.46.240 and 67.70.040; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5879 by Senators Prentice, Oke, Haugen, Benson, Franklin, Pridemore, Shin, Rockefeller, Fraser, Hargrove, Stevens and Rasmussen

AN ACT Relating to prohibiting out-of-state contributions to ballot measures relating to gambling; and amending RCW 42.17.640.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 11, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate